

NORTH DAKOTA
DEPARTMENT OF PUBLIC INSTRUCTION
SPECIAL EDUCATION OFFICE
SPECIAL EDUCATION ADVISORY COMMITTEE

BY-LAWS AND OPERATING PROCEDURES

Individuals with Disabilities Education Act (IDEA) (34CFR§300.166–169) Regulations

I. NAME

The **name** of the Committee shall be the North Dakota Special Education Advisory Committee, hereinafter referred to as the “State Advisory Committee.”

II. PURPOSE OF THE COMMITTEE

The North Dakota Department of Public Instruction, hereinafter referred to as the “DPI Special Education,” has established and maintains an Advisory Committee for the purpose of providing advice and guidance to DPI Special Education with respect to special education and related services for children and youth with disabilities as required by the Individuals with Disabilities Education Improvement Act of 2004 (“the Act”) and its implementing regulations.

III. COMMITTEE DUTIES AND FUNCTIONS
(34 CFR § 300.169)

The State Advisory Committee shall perform the following duties and functions:

- A. Advise DPI Special Education of unmet needs within the State in the education of children and youth with disabilities;
- B. Comment publicly on any rules or regulations proposed by the State regarding the education of children and youth with disabilities;
- C. Advise DPI Special Education in developing evaluations and reporting on data to the Secretary of the U.S. Department of Education under section 618 of the Act;
- D. Advise DPI Special Education in developing corrective action plans to address findings identified in Federal monitoring reports under Part B of the Act; and

- E. Advise DPI Special Education developing and implementing policies relating to the coordination of services for children and youth with disabilities.
 - F. If a State is granted a fiscal waiver, there is evidence that the State, in determining that FAPE is currently available to all eligible children and youth with disabilities in the State, has consulted with the State Advisory Committee under § 300.167.
- IV. DUE PROCESS HEARINGS (34 CFR § 300.513 (d)(1-2))
- A. *Findings and decision to State Advisory Committee and general public.* The DPI Special Education, after deleting any personally identifiable information will—
 - 1. Transmit the findings of Due Process Hearing Officer decisions to the State Advisory Committee; and
 - 2. Make those findings and decisions available to the public.
- V. MEMBERSHIP REQUIREMENTS FOR STATE ADVISORY COMMITTEE (34 CFR § 300.168)
- A. The State Advisory Committee shall consist of members appointed by the Governor, to be representative of the State population. The membership should be composed of individuals involved in, or concerned with the education of children with disabilities, including:
 - 1. Parents of children with disabilities (ages birth through 26)(minimum 2);
 - 2. Individuals with disabilities; (the combined membership in #1–2 must be the majority (51%) of the committee).
 - 3. Teachers; (3)
 - 4. Representatives of institutions of higher education that prepare special education and related services personnel; (1)
 - 5. State and local education officials, including officials who carry out activities under subtitle B and title VII of the McKinney-Vento Homeless Assistance Act, (42 U.S.C. 11431 *et seq.*); (3)
 - 6. Administrators of programs for children with disabilities; (2)
 - 7. Representatives of other State agencies involved in the financing or delivery of related services to children with disabilities; (2)

8. Representatives of private schools and public charter schools; (1)
9. Not less than one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities; (1)
10. A representative from the State child welfare agency responsible for foster care; (1) and
11. Representatives from the State juvenile and adult corrections agencies. (1)

Special rule—A majority of the members of the Committee must be individuals with disabilities or parents of children with disabilities (ages birth through 26).

Optional member—A student with a disability from the secondary or postsecondary level. The term will be no more than one year.

Responsibility—Each Advisory Committee member is responsible to represent their stakeholder group, not individual interests. The advisory committee's role is to provide "advice" or suggestions relating to the duties listed in Section III.

- B. The membership may be expanded, with the Secretary of the Department of Public Instruction approval, to include additional persons in the groups listed and/or representatives of other groups not listed. In adding to the membership, consideration shall be given to an appropriate balance between professional groups and consumers-parents, advocates, and individuals with disabilities.
- C. The term of a Committee member shall be no more than three years, commencing July 1 and ending June 30 of the third year unless the representative is replacing an existing member.
- D. Two unexcused absences from regular State Advisory Committee meetings within a three-meeting period of time will result in the membership review by the Committee Officers in collaboration with the State Special Education Director and may result in replacing the member. (An absence will be considered "excused" if the member notified the Chairperson or the State Director of Special Education prior to a given meeting.)
- E. Whenever a current State Advisory Committee Member changes his/her employment status and there is a resulting change of constituency representation, the following procedures apply:
 1. The Committee member may choose to resign.

2. The Committee member may choose to remain on the State Advisory Committee until a replacement is appointed.
3. A new Committee member will be chosen as stated in Section V to complete the term of the Committee member who is being replaced.

VI. STATE ADVISORY COMMITTEE PROCEDURES

- A. The State Advisory Committee shall serve without compensation, but the State shall reimburse the State Advisory Committee members for reasonable and necessary expenses for attending meetings and performing duties.
- B. The State Advisory Committee will follow Roberts Rules of Order and the open meeting requirements of the State of North Dakota.
- C. Interpreters and other necessary services shall be provided at Committee meetings for Committee members or participants and reasonable accommodations, and auxiliary aids.
- D. By September 1 of each year, the State Advisory Committee shall submit an Annual Report of Committee activities, advice, and suggestions to the DPI Special Education Director. The annual report should be posted on the Department's website and made available to the public.

VII. STATE SPECIAL EDUCATION ADVISORY COMMITTEE MEETINGS

- A. The time and place of regular North Dakota Advisory Committee meetings shall be as determined by the State Director and Chairperson and shall meet at least four times a year and more often as necessary to conduct its business. Special meetings may be called by the Chairperson, in collaboration with the State Director, as necessary.
- B. All meeting locations will be physically accessible to individuals with disabilities.
- C. Members of the State Advisory Committee shall be notified by mail and/or electronic mail of the date, time, and place of regular meetings at least 15 business days prior to the time of meetings.
- D. All meetings of the State Advisory Committee shall be open to the public and follow the open meeting requirements of North Dakota. All Advisory Committee meetings and agenda items must be announced enough in advance of the meeting to afford interested parties a reasonable opportunity to attend. Notice will be sent to organizations and individuals representative of the constituency groups served by the Committee.

- E. Official minutes must be kept on all State Advisory Committee meetings and must be made available to the public on request.
- F. Minutes of all State Advisory Committee meetings will be the responsibility of DPI Special Education or designee.

VIII. COMMITTEE OFFICERS AND TERMS

- A. The officers of the Committee shall be:
 - a. Chairperson
 - b. Vice Chairperson
- B. The officers are to be elected annually at the last regular meeting of the school year. The Chairperson and Vice Chairperson of the State Advisory Committee shall be elected to serve one-year terms and the Vice Chairperson shall automatically succeed to the office of Chairperson at the end of that person's term as Vice Chairperson.
- C. The election shall be by a majority vote of the members present, those present constituting not less than a quorum.
- D. The officer's term of office shall commence on the first meeting of the school year.
- E. Should a vacancy occur for any reason during the term of office of an officer of the State Advisory Committee, a successor shall be elected at the next regular meeting to serve the remainder of the term.

IX. CHAIRPERSON DUTIES

- A. The Chairperson of the State Advisory Committee shall have the following responsibilities:
 - 1. Chair all meetings of the State Advisory Committee.
 - 2. Coordinate the scheduling of meetings of the State Advisory Committee with DPI Special Education.
 - 3. Develop meeting agendas in collaboration with the State Special Education Director and DPI Special Education staff.
 - 4. Coordinate all activities of the State Advisory Committee with the State Director of Special Education or designee.

5. Coordinate completion of the Committee Annual Report due September 1 each year.

B. The Vice Chair of the State Advisory Committee shall have the following responsibilities:

1. Serve in the absence of the Chairperson.
2. Assist with agenda development.
3. Assist with completion of the Committee Annual Report due September 1 each year.
4. Perform such other duties as are assigned to him or her by the Chairperson.

X. STATE ADVISORY COMMITTEE SUBCOMMITTEES

- A. Executive Committee: The Executive Committee shall consist of the Chairperson, Vice Chairperson, and the State Director.
- B. Subcommittees shall be established for specific purposes and for a designated time period, and be composed of State Advisory Committee members as well as other individuals from across the State.

XI. STATE ADVISORY COMMITTEE VOTING

- A. Those members of the State Advisory Committee in attendance shall constitute a quorum for the transaction of business at any meeting of the Committee.
- B. Action by the State Advisory Committee may be taken through a simple majority (51%) of the State Advisory Committee members present at the meeting.
- C. The State Special Education Director is an ad hoc non-voting member of the Committee.

XII. PUBLIC INFORMATION AND AMENDMENT OF BY-LAWS

- A. The Chairperson of the State Advisory Committee, or the designee of the Chairperson in his/her absence, is the only member authorized to speak publicly on behalf of the State Advisory Committee and then only in accordance with State Advisory Committee actions.

- B. These by-laws may be amended by a simple majority of the full membership of the State Advisory Committee at a regular meeting. Amendments to the by-laws must be submitted in writing to Committee members at least thirty days prior to the scheduled meeting and approved by a majority.

T:\Projects\Advisory Panels - ICC\ND AdvisoryandICC\ND By-laws 2012 JCNm11-9-12.doc